

Mature Minors and Emancipated Minors

I. The mature minor exception to the need for parental consent is a factual determination based on the West Virginia Supreme Court case, *Belcher vs CAMC*, 422 SE2d 827 (WV 1992). According to this court decision, factors to be considered in the determination of a mature minor include:

1. Age
2. Ability
3. Experience
4. Education and/or training
5. Degree of maturity and/or judgment exhibited
6. Conduct and demeanor
7. Capacity to appreciate the nature, risks, and consequences of a procedure

II. Emancipation (WV Code 49-7-27)

1. Over 16, the person may petition for emancipation.
2. Over 16 and married, the person is automatically emancipated.
3. Pregnancy does not automatically emancipate a minor.

III. Treatment of minors without parental knowledge or consent

1. Addiction to controlled substances WV Code §60A-5-504
2. Addiction to alcohol WV Code §60-2-23
3. Venereal disease including AIDS WV Code §16-4-10

IV. Access to medical records regarding the treatment of minors WV Code §16-29-1 “Any licensed, certified, or registered health care provider so licensed, certified, or registered under the laws of this state shall, upon the written request of a patient, his authorized agent, or authorized representative, within a reasonable time, furnish a copy, as requested, of all or a portion of a patient’s record . . . subject to the following exception:

(b) Nothing in this article shall be construed to require a health care provider responsible for diagnosis, treatment, or administering health care services in the case of minors for birth control, prenatal care, drug rehabilitation or related services, or venereal disease according to any provision of the code, to release patient records of diagnosis, treatment or provision of health care as aforesaid to a parent or guardian, without prior written consent therefore from the patient . . .”